IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

MAY 2 0 2016

Clerk, U S District Court
District Of Montana
Missoula

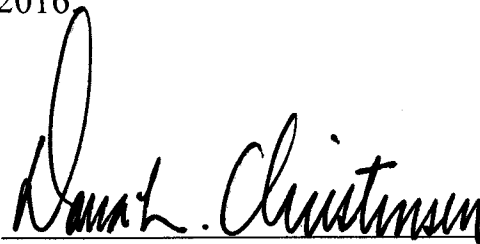|	
TYRONE EVERETT PAYNE,	CV 16–42–M–DLC–JCL
Plaintiff,	
vs.	ORDER
GORDON SCHMILL,	
Defendant.	

United States Magistrate Judge Jeremiah C. Lynch entered findings and recommendations in this case on April 26, 2016, recommending that Plaintiff Tyrone Everett Payne's ("Payne") Complaint be dismissed for failing to state claim upon which relief may be granted. Payne did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.,* 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn,* 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax,* 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Lynch's conclusions that Defendant Schmill was justified in conducting the September 9, 2015 traffic stop at issue in this case, and that Payne failed to adequately state claims for malicious prosecution, invasion of privacy, and illegal search and seizure.

Accordingly, IT IS ORDERED that Judge Lynch's findings and recommendations (Doc. 5) are ADOPTED IN FULL. This case is DISMISSED. The Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal of this decision would not be taken in good faith.

DATED this 20th day of May, 2016.

Dana L. Christensen, Chief Judge
United States District Court